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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 COSTCO WHOLESALE
10 CORPORATION, a Washington
11 corporation,

12 Plaintiff,

13 v.

14 ARROWOOD INDEMNITY
15 COMPANY, a North Carolina company,
16 Defendant.

NO. 2:17-cv-01212-SAB

**JURY TRIAL SCHEDULING
ORDER**

**JURY TRIAL SCHEDULED FOR
OCTOBER 26, 2020**

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18 A telephonic scheduling conference was held in this matter on December 9,
19 2019. Matthew Segal, Paul Lawrence, and Nicholas Brown appeared on behalf of
20 Plaintiff. Alexander Potente, Curtis Parvin, and James Meehan appeared on behalf
21 of Defendant. Due to a conflict in the Court's calendar, the current trial date needs
22 to be rescheduled. During the conference, the Court directed counsel to provide the
23 Court with a list of unavailable dates between March and December 2020. Having
24 received these dates, the Court is fully informed and orders the following schedule
25 for trial and outstanding pretrial deadlines in this matter.

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JURY TRIAL SCHEDULING ORDER * 1

1 Accordingly, **IT IS ORDERED:**

2 **PROFESSIONALISM AND COURT-ASSISTED MEDIATION**

3 **1. Civility and Professional Conduct.** Counsel should review and employ Local
4 Rule 83.1 (Civility) and Washington Rule of Professional Conduct 3.4 (Fairness to
5 Opposing Party and Counsel).

6 **2. Scheduling Order is Binding.** Rule 16(f) of the Federal Rules of Civil
7 Procedure provides for sanctions for failure to obey the Scheduling Order. The
8 Court will usually accept stipulations to modify the dates specified in this Order,
9 but modifications of pretrial deadlines may also result in a modification of the trial
10 date.

11 **3. Settlement Conference/Mediation.** The parties are encouraged to engage in
12 settlement negotiations as early as possible and should contact the Court if they
13 believe a settlement conference would be helpful.

14 **TRIAL DATES**

15 **4. Jury Trial.** The jury trial shall commence on **October 26, 2020**, at **9:00 a.m.** in
16 **SEATTLE**, Washington. The trial is estimated to last seven days.

17 **5. Pretrial Conference.** An in-person pretrial conference will be held on **October**
18 **2, 2020**, at **1:30 p.m.** in **SEATTLE**, Washington.

19 **MOTION DEADLINES**

20 **6. Motions in Limine.**

21 A. *Motions in Limine*: shall be filed and served on or before **September 14,**
22 **2020.**

23 B. *Responses*: shall be filed and served on or before **September 21, 2020.**

24 C. *Replies*: shall be filed and served on or before **September 28, 2020.**

25 D. *Notation*: *Motions in limine* shall be noted for hearing at the pretrial
26 conference.

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TRIAL PREPARATION DEADLINES

7. Exhibit and Witness Lists.

A. Exhibit Lists and Witness Lists: shall be filed and served and exhibits made available for inspection (or copies provided), on or before **September 21, 2020**.

B. Identification: The witness list shall include identification of each witness's testimony.

C. Notation of Exhibits: Where feasible, all exhibits identified in depositions shall be pre-marked with the exhibit numbers that will be used at trial. Plaintiff's trial exhibits are to be numbered 1 through 199; Defendant's exhibits are to be numbered 200 and following.

D. Objections: Objections to the opposing party's witness list or exhibit list and any accompanying briefs shall be filed and served on or before **September 28, 2020**.

E. Responses: Responses, if any, to objections shall be filed and served on or before **October 5, 2020**.

8. Pretrial Exhibit Stipulation.

A. Stipulation: The parties shall prepare a pretrial exhibit stipulation that shall contain each party's numbered list of all trial exhibits with the opposing party's objections to each exhibit, including the basis of the objection and the offering party's brief response. All exhibits to which there is no objection shall be deemed admitted, subject to any objections at trial that could not be raised in advance.

B. Deadline: The pretrial exhibit stipulation shall be filed on **September 14, 2020**.

C. Objections to witness and exhibits shall be heard at the pretrial conference.

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1 **9. Designation of Testimony.**

2 The parties shall notify the Court on or before **September 14, 2020** whether
3 deposition testimony will be used at trial. The Court will then schedule a hearing to
4 review all designated testimony and objections so that a final edited version of the
5 deposition testimony can be prepared for trial.

6 **10. Pretrial Order.**

7 A. *Deadline:* A joint Pretrial Order, prepared in accordance with the format
8 provided in Local Rule 16.1(b), shall be filed on or before **October 5, 2020** and a
9 copy e-mailed in Word format to the Court at bastianorders@waed.uscourts.gov.

10 B. *Consistency:* The list of exhibits contained in the joint Pretrial Order shall
11 reflect the exhibit marking scheme described above in paragraph 10(A).

12 C. *Duplicative Exhibits:* In preparing the joint Pretrial Order, the parties
13 shall confer regarding duplicate exhibits and determine which party will submit
14 such exhibits for trial.

15 **11. Trial Briefs and Proposed Voir Dire.** Trial briefs and voir dire shall be filed
16 by **October 1, 2020**.

17 **12. Jury Instructions.** No later than **October 1, 2020**, the parties shall file jointly
18 proposed jury instructions.

19 A. *Confer.* The parties shall confer regarding jury instructions and file
20 jointly proposed jury instructions and a table of proposed Jury Instructions. The
21 jointly proposed Jury Instructions should address only issues that are unique to this
22 case and shall include instructions regarding the elements of each claim, any
23 necessary definitions, and a proposed verdict form.

24 B. *Modifications.* If any proposed instruction is a modified version of model
25 instructions or deviate from model instructions, the parties shall identify the
26 modification and cite legal authority for the modification.

27 **13. Submissions on the First Day of Trial.** The Court requires that the following
28 be submitted to the courtroom deputy clerk on the first day of trial:

A. *Exhibits.* Exhibits for presentation at the trial in tabbed binders indexed by exhibit number with exhibit tags placed consistently on the bottom right corner of each exhibit. Counsel shall submit to the Court an original binder and two copied binders of their exhibits together with three discs or flash drives containing the same.

B. *Exhibit List.* One copy of a final joint exhibit list.

C. *Witness List*. One copy of witness lists in the order in which the witnesses are expected to be called to testify.

MODIFICATIONS

14. Good Cause. Pursuant to Rule 16 of the Federal Rules of Civil Procedure, this schedule shall not be modified unless the Court finds good cause to grant leave for modifications.

IT IS SO ORDERED. The District Court Clerk is hereby directed to enter this Order and to provide copies to counsel.

DATED this 13th day of January 2020.

Stanley A. Sestran

Stanley A. Bastian
United States District Judge